



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE MAGISTRATES' COURTS ACT

NO. 26 OF 2015

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MAGISTRATES' COURTS ACT

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NO. 26 OF 2015

MAGISTRATES' COURTS ACT

[Date of assent: 15th December, 2015.]

[Date of commencement: 2nd January, 2016.]

AN ACT of Parliament to give effect to Articles 23(2) and 169(1)(a) and (2) of the Constitution; to confer jurisdiction, functions and powers on the magistrates' courts; to provide for the procedure of the magistrates' courts, and for connected purposes

[Act No. 26 of 2015.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Magistrates' Courts Act, 2015.

2. Interpretation

In this Act, unless the context otherwise requires —

"Chief Justice" means the Chief Justice appointed under Article 166 of the Constitution;

"Chief Registrar" means the Chief Registrar of the judiciary established in Article 161 of the Constitution;

"Commission" means the Judicial Service Commission established under Article 171(1) of the Constitution;

"magistrate" means a chief magistrate, a senior principal magistrate, a principal magistrate, a senior resident magistrate, or a resident magistrate appointed in accordance with Article 172 (1) (c) of the Constitution and includes a person appointed to act in the particular office;

"magistrate's court" means a subordinate court established by Article 169(1)(a) of the Constitution;

"order" includes a conviction, a direction, a sentence, a decree and any other decision or determination of a court; and

"station" means the place at which one or more magistrate's courts are located.

3. Guiding principles

In exercise of its judicial authority, a magistrate's court shall be guided by the principles specified under Articles 10, 159 (2) and 232 of the Constitution.

4. Objective

(1) The objective of this Act is to enable magistrate courts to facilitate just, expeditious, proportionate and accessible judicial services in exercise of the criminal and civil jurisdiction in this Act or any other written law.

(2) The parties appearing in a magistrate's court and the duly authorised representatives of the parties, shall assist the magistrates' courts to further the principal objective of this Act.